REMARKS

Claims 1-13, and 15 - 23 are all the claims presently pending in the application. The Specification and claims 1, 13, and 17-21 are amended to more clearly define the invention and claim 14 is canceled. Claims 1, 13, and 20 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Applicants gratefully acknowledge that claims 2-7, 9-12, 18-19, and 22-23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants respectfully submit that all of the claims are allowable.

Claims 1, 8, 13-17 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki (U.S. Patent No. 5,601,149).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

A first exemplary embodiment of the claimed invention, as defined by independent claim 1, is directed to a power tool that includes a powered drive source, a speed reduction mechanism portion for transmitting a rotational power of the powered drive source, a striking mechanism portion for converting the rotational power of the speed reduction mechanism portion into a striking force, an end tool for outputting the striking force through the striking mechanism portion, and an impact damping mechanism for damping an impact on the speed reduction mechanism portion in a direction of rotation of the speed reduction mechanism portion.

A second exemplary embodiment of the claimed invention, as defined by independent claim 13, is directed to a tool that includes a drive source, a speed reduction mechanism for transmitting a power of the drive source, a striking mechanism for converting the power of the transmitting mechanism into a striking force, and an impact damping mechanism for damping an impact of the speed reduction mechanism in a direction of rotation of the speed reduction mechanism.

A third exemplary embodiment of the claimed invention, as defined by independent claim 20, is directed to an impact tool, powered by a driving force, for imparting a rotational impact force to an end tool. The impact tool includes an impact damping mechanism for damping said rotational impact force on a speed reduction mechanism in a direction of rotation of the speed reduction mechanism.

In conventional power tools, an impact force can damage a speed reduction mechanism.

In stark contrast, the present invention, provides an impact damping mechanism for

damping an impact on the speed reduction mechanism. Therefore, the present invention inhibits an impact force from damaging a speed reduction mechanism portion.

II. THE PRIOR ART REJECTION

The Examiner alleges that the Kawasaki et al. reference would have been combined with the Kawasaki et al. reference (which includes a brief description of Japanese Utility Model No. SHO 56-6293/1981) to form the claimed invention. Applicants submit, however, that "combination" does not teach or suggest each and every element of the claimed invention.

The Kawasaki et al. reference discloses a noise reduction mechanism for percussion tools. The Kawasaki et al. reference is directed to reducing the noises generated by a percussion tool. The Kawasaki et al. reference describes the teachings of the Japanese Utility Model No. SHO 56-6293/1981 which provides "resilient members, such as synthetic rubber, are interposed between percussion operating members and a casing" (col. 2, lines 5-9) that is effective for reducing the hammer noises (col. 2, lines 12-13). However, the Kawasaki et al. reference further explains that these "resilient members" are not effective to reduce noises that are generated by the axial impacts that are transmitted to the opponent member (i.e. the workpiece 18 shown in Fig. 2) (col. 2, lines 14-19).

The Kawasaki et al. reference discloses a percussion tool that incorporates the "resilient members" that are disclosed by the Japanese Utility Model No. SHO 56-6293/1981 and which are shown as the cushion members 10 in Fig. 2. These cushion members 10 are "interposed between percussion operating members and a casing" where the percussion operating members correspond to the hammer 3 and the anvil (which includes the engaging

flanges 7 and the cylindrical shaft portion 8). These cushion members 10 operate to reduce hammer noises that were previously generated by being transmitted to the housing.

However, the Kawasaki et al. reference improves upon this design by providing an anvil that is divided into engaging flanges 7 and a cylindrical shaft portion 8 so that the cylindrical shaft 8 is telescopically displaceable relative to the engaging flanges (col. 4, lines 40-45). In this manner, the axial component of the impact is not transmitted to the opponent member. Rather, the axial component of the impacts are entirely absorbed by the damping member and the housing.

Therefore, as clearly described by the Kawasaki et al. reference, the cushion members 10 do not dampen an impact upon a speed reduction mechanism.

Indeed, the Examiner admits that the Kawasaki et al. reference does not disclose an impact damping mechanism that dampens an impact upon a speed reduction mechanism.

However, the Examiner attempts to remedy this deficiency of the Kawasaki et al. reference by referring to the Kawasaki et al. reference. In particular, the Examiner attempts to remedy the lack of a disclosure within the Kawasaki et al. reference by citing a portion of the Kawasaki et al. reference which describes another reference (the Japanese Utility Model No. SHO 56-6293/1981).

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine the teachings of the Japanese Utility Model No. SHO 56-6293/1981 with the disclosure of the Kawasaki et al. reference (which is appears to be self-evident because the inventors of the percussion tool described in the Kawasaki et al. reference did exactly that), the Kawasaki et al. reference (i.e., the entire Kawasaki et al. reference which necessarily includes the discussion of the Japanese Utility Model No. SHO 56-6293/1981)

clearly does not teach or suggest an impact damping mechanism for damping an impact on the speed reduction mechanism. As explained above, this feature is important for preventing a speed reduction mechanism from being damaged by an impact.

Indeed, the Kawasaki et al. reference (i.e., the entire Kawasaki et al. reference which necessarily includes the discussion of the Japanese Utility Model No. SHO 56-6293/1981) is not at all concerned with preventing damage to the speed reduction mechanism. Rather, the Kawasaki et al. reference (i.e., the entire Kawasaki et al. reference which necessarily includes the discussion of the Japanese Utility Model No. SHO 56-6293/1981) is only concerned with reducing noise.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1, 8, 13-17 and 20-21.

III. FORMAL MATTERS AND CONCLUSION

The Examiner is respectfully requested to acknowledge receipt of the Priority Document filed on April 17, 2002 by checking boxes 13, a, 1 on the PTOL-326 Form.

The Office Action objects to the drawings. In particular, the Examiner alleges that reference characters "5" and "15" have both been used to designate a hammer. This Amendment amends the specification to correct this inadvertent typographical error in the previous Amendment. The Examiner also alleges that reference character "8" have been used to designate both a speed reduction mechanism on page 1, line 14 and planetary gears page 2, line 2. However, the previous Amendment amended the specification to correct this. Therefore, Applicants respectfully request withdrawal of this objection.

The Office Action objects to the claims for not being numbered correctly. Applicants thank Examiner Lopez for renumbering the claims to correct this problem. Applicants

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-13, and 15 - 23, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/29/03

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Michelle Lopez, Group Art Unit 3721 at fax number (703) 872-9306 this 29th day of December, 2003.

James E. Howard
Reg. No. 39,715